

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA    \*E-FILED - 6/28/07\***

KINH TONG,

Plaintiff,

v.

CAPITAL MANAGEMENT SERVICES  
GROUP, INC., f/k/a CAPITAL  
MANAGEMENT SERVICES, INC., a New  
York corporation,

Defendant.

Case No. C07-01026-RMW-HRL

**STIPULATION AND ~~PROPOSED~~  
ORDER SELECTING ADR PROCESS**

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

**Court Processes:**

- ☐ Non-binding Arbitration (ADR L.R. 4)
- ☐ Early Neutral Evaluation (ENE) (ADR L.R. 5)
- ☒ Mediation (ADR L.R. 6)

*(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5.)*

**Private Process:**

- ☐ Private ADR *(please identify process and provider)*

\_\_\_\_\_  
\_\_\_\_\_

The parties agree to hold the ADR session by:

- ☒ the presumptive deadline *(The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)*
- ☐ other requested deadline \_\_\_\_\_

Dated: May 18, 2007

/s/ Fred W. Schwinn  
Attorney for Plaintiff

Dated: May 18, 2007

/s/ Stephen H. Turner  
Attorney for Defendant

~~PROPOSED~~ ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

- ☐ Non-binding Arbitration
- ☐ Early Neutral Evaluation (ENE)
- ☒ Mediation
- ☐ Private ADR

Deadline for ADR session

- ☒ 90 days from the date of this order.
- ☐ other \_\_\_\_\_

IT IS SO ORDERED.

Dated: 6/28/07

Ronald M. Whyte

UNITED STATES  
DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK JUDGE